

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

<b>Suzanne K. Wendorf,</b>	)	<b>CASE NO. 07 CV 2062</b>
	)	
<b>Plaintiff,</b>	)	<b>JUDGE PATRICIA A. GAUGHAN</b>
	)	
<b>vs.</b>	)	
	)	
<b>Alayna D. Vasquez,</b>	)	<b><u>Memorandum of Opinion and Order</u></b>
	)	
<b>Defendant.</b>	)	

This matter is before the Court upon Plaintiff's Motion for Default Judgment (Doc. 7) and Notice of Submission of Plaintiffs' Affidavit in lieu of Testimony (Doc. 10). This case arises out of a motor vehicle accident in which plaintiff sustained injuries caused by defendant. The motion is unopposed. Counsel chose not to appear at the default hearing or submit further evidence and, instead, chose to rely on plaintiff's submission.

The Court has reviewed the materials and concludes that plaintiff is entitled to default judgment. With regard to damages, the Court finds that plaintiff is entitled to \$9,739.00 for medical expenses. Although plaintiff's affidavit provides that she incurred "almost \$11,000 in casually related medical expenses," the supporting documentation totals only \$9,908.00.

Moreover, the medical invoices include a doctor's visit predating the accident, as well as a gynecological visit. The Court finds that plaintiff is not entitled to recover these expenses from defendant. Accordingly, plaintiff is awarded \$9739.00 for medical expenses.

Plaintiff also seeks compensation for physical damage to her vehicle and lost wages. The Court finds that plaintiff is not entitled to recover these amounts because plaintiff failed to provide the Court with supporting documentation. Given plaintiff's overstatement of her medical expenses, the Court cannot rely on plaintiff's affidavit in this regard. These damages could easily be corroborated with supporting documentation, which could be verified by the Court. Because plaintiff failed to submit any such evidence, plaintiff may not recover for vehicle damage or lost wages.

The Court, however, accepts plaintiff's affidavit with respect to pain and suffering. As this type of damage is rarely capable of verification, the Court finds that plaintiff is entitled to an award of \$30,000 for pain and suffering. This is a fair and reasonable award in light of the nature of plaintiff's injuries.

Accordingly, based on the submission of plaintiff, the Court finds that she is entitled to default judgment in the amount of \$39,739.00.

IT IS SO ORDERED.

/s/ Patricia A. Gaughan  
PATRICIA A. GAUGHAN  
United States District Judge

Dated: 10/18/07